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09/608,938	06/30/2000	D'Arcy M. Tyrrell III	062986.0188	1501

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EXAMINER

CHODHARY, ANITA

ART UNIT PAPER NUMBER

2153

DATE MAILED: 10/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/608,938

Applicant(s)

TYRRELL, D'ARCY M.

Examiner

Anita Choudhary

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 23 July 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 June 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Amendment***

The amendment filed on July 23, 2003 has been entered. Claims 1-3, 5, 8, and 9-16 have been amended and are presented for further examination.

Claims 1-20 are presented.

### ***Response to Arguments***

Applicant's arguments with respect to claim 1-29 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1-5, 7-11, and 12-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Austin et al (US 5,761,369) hereinafter Austin.

In referring to claim 1 and 14, Austin shows a system for local and remote document processing of jobs. Each document processing system consists of at least a first and second virtual service (VS1, VS2, ... fig. 13) used to store and process first and second jobs of an image

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data. The virtual services are implemented as software or hardware or a combination of the two (col. 16 lines 50-53). Austin shows:

- A local rendering system receiving a render job (composite job) having a plurality of render frames (compound jobs/segments) and associated job descriptions (dj) (col. 11 lines 1-12).
- At least one remote rendering system (fig. 15, col. 17 lines 56-61) comprising a plurality of remote render servers (virtual services) and a second schedule server (document manager) coupled to the plurality of remote render servers (virtual services) and operable to receive from the local rendering system (fig. 13) the render job (composite job) and render the render job by distributing one or more different render frames (first and second compound jobs) on the render job to at least two of the plurality of remote servers (VS1 and VS2) and further operable to return a result of the render job to the local rendering system (fig. 15) (col. 17 lines 37-61).
- Wherein the local rendering system comprises a plurality of local render servers (virtual services) a first schedule server coupled to the plurality of local render servers and operable to determine, based at least in part on the job description, whether to render the render job locally by distributing one or more different render frames of the render job to at least two of the plurality of local render servers or to send the render job to the at least one remote rendering system for distributed rendering (col. 17 lines 37-56).
- Wherein the first schedule server (document manager) is operable to collect and deliver to a remote rendering system (fig. 15), via a first hot folder (76, col. 17 lines 18-26) and a communication medium, information associated with the render job.

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Austin discloses in an example embodiment, a document system receiving a job request from a client in the form of a page description language file (pdl) consisting of a compound job ticket associated with plural jobs (col. 16 lines 57). Data Manager distributes each job to various virtual services according to the table shown in figure 13, which shows the routing of a job type to a particular service. First and second jobs are transmitted to first and second virtual services, and as Austin further points out, each service can be run concurrently (col. 17 lines 29-30). After the documents have been processed they are stored at the virtual service for retrieval by the client. Although Austin emphasizes print and fax jobs it is well known in the art, that the virtual service is capable of storing and forwarding softcopies of processed documents.

Austin also shows the transferring of jobs to a remote rendering system controlled by a remote document manager (fig. 15), responsible for distributing first and second frames to remote first and second virtual services, similar to the illustration of the document manager shown in fig. 13. The remote document manager is coupled to an identical structure to that shown in fig. 13. The system offers remote document processing relative to the document processing system shown in fig. 13 (see col. 17 lines 56-61).

In referring to claim 2, Austin shows a resource server (distribution agent) and a remote render service operable to create render slots for processing the render job (job ticket at the VS, col. 18 lines 43-55).

In referring to claim 3, Austin shows the second schedule server (documents manager, fig. 15) operable to receive a render job from the local rendering system via a second hot folder (76) and distribute the job to at least two remote services based on information provided in the

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job description (dj and table in fig. 13) and further based on information in resource database (distribution agents database- db) (col. 17 line 62- col. 18 line 29).

In referring to claim 4, Austin shows a new job queue (S3a.b) and outsourced job queue (fig. 15), wherein the distribution agent is able to move the job from new job queue to outsourced job when the job description specifies remote rendering (col. 17 line 56-61).

In referring to claim 5, Austin shows that the remote rendering system is able to queue incoming jobs from the local rendering system as active jobs (col. 18 lines 35-39).

In referring to claim 7, Austin shows that the second schedule server is operable to deliver the completed render job to the local rendering system via the communication medium shown in fig. 15.

In referring to claim 8, 13, and 19, Austin shows the document manager is able to store and transmit completed jobs by placing them into storage and notifying the supplier of the completion of render job. The document manager is able to remove the job from an outsource job queue comprising one or more render jobs sent to the remote rendering system (col. 18 lines 30-55).

In referring to claim 9, in addition to claim 1 and 4 above, Austin shows the delivering of jobs to remote system and advancing a queue as jobs are processed (col. 17 lines 27-46).

In referring to claim 10, Austin shows the job profile is based on job description provided by a client (col. 11 lines 1-28).

In referring to claim 11 and 18, Austin shows delivering a render job from a first hot folder (fig. 5, 76) located at distribution agent which is coupled to document manager, to a second hot folder at a distribution agent remotely located from first distribution agent, and

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coupled to a remote document manger (fig. 13 and 15, col. 17 lines 18-26 and 56-61). The remote rendering system is able to queue incoming jobs from the local rendering system as active jobs (col. 18 lines 35-39).

In referring to claim 15, Austin shows redirecting request by the remote services to access the associated files from a central file storage location at distribution agent (col. 17 lines 18-26).

In referring to claim 16, Austin shows the remote services writing an output file associated with the render job to a central storage area at the document processor (col. 18 lines 56-65).

In referring to claim 17, Austin shows the document processing results are stored at virtual service.

In referring to claim 20, Austin shows the document manager is able to determine whether to render the render job at the first or second rendering site (col. 17 lines 56- col. 18 line 30).

Claims 6 and 12 rejected under 35 U.S.C. 103(a) as being unpatentable over Austin et al. in further view of Fontana et al. (6,167,563).

Austin shows substantial features of the claimed invention. In referring to claim 12, Austin shows distributing a job to a plurality of servers coupled to the system based in part on resource information stored in a resource database associated with a resource server, the resource

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information including availability information associated with a plurality of render slots created by the plurality of render servers.

Although Austin shows these features they do not explicitly show I/O wrapper. Nonetheless this feature is well known in the art, and would have been an obvious modification to the system disclosed by Huang in view of Krum as evidenced by Fontana.

In an analogous art Fontana shows a method for executing application between client and server. Fontana shows:

Placing an I/O wrapper around a component on the server to allow any files accompanying the component to be monitored only by said component (col. 7 lines 44-67).

Given this feature, a person of ordinary skill in the art would have readily recognized the desirability and advantages of modifying the system disclosed by Austin, by employing the features shown by Fontana in order to monitor I/O operations.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Govett (US 5,761,507) shows a server queues for various jobs.

Krum (US 6, 539,445) shows a server farm allocator consisted of various distribution queues.



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Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Examiner strongly suggests that Applicant consider the reference provided by Austin et al (US 5, 761,396) as evidence that the claimed invention presented is not in any way allowable at present. Examiner suggests that the application be abandoned and/or a request for reconsideration (RCE) filed. Amendments After Final will not be entered because they would require further consideration and/or search. The Examiner is also not in the practice of granting After Final interviews unless the interview would result allowance. In this case, given the cited art Examiner does not consider the presented claims in any condition for allowance.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anita Choudhary whose telephone number is (703) 305-5268.

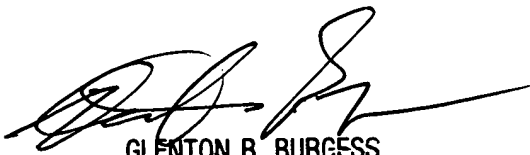
The examiner can normally be reached on 9am-5pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on (703) 305-4792. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

AC  
September 25, 2003



GLENTON B. BURGESS  
SUPERVISORY PATENT EXAMINER  
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